

Endangerment of a Vulnerable Adult

The crime of “endangerment of a vulnerable adult” requires proof that:

1. The defendant was [employed] [a de facto guardian] [a de facto conservator] [appointed by a court] to provide care to a vulnerable adult
2. The defendant caused or permitted [the life of the vulnerable adult to be endangered] [the health of the vulnerable adult to be injured or endangered] by neglect.

[“Vulnerable adult” means an individual who is eighteen years of age or older and who is unable to protect [himself] [herself] from abuse, neglect or exploitation by others because of a mental or physical impairment. “Vulnerable adult” includes an incapacitated person.]

[“Incapacitated person” means person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person.]

[“De facto guardian” means any person who takes possession of the person of a vulnerable adult, without right or lawful authority. A de facto guardian is subject to all of the responsibilities that attach to a legally appointed guardian.]

[“De facto conservator” means any person who takes possession of the estate of a vulnerable adult, without right or lawful authority. A de facto conservator is subject to all of the responsibilities that attach to a legally appointed conservator or trustee.]

[“Abuse” means:

1. Intentional infliction of physical harm; or
2. Injury caused by negligent acts or omissions; or
3. Unreasonable confinement; or
4. Sexual abuse or sexual assault.]

[“Neglect” means a pattern of conduct without the person’s informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health.]

["Exploitation" means the illegal or improper use of a vulnerable adult or his/her resources for another's profit or advantage.]

Source: A.R.S. § 46-455 (statutory language effective September 30, 2009).

Use Note: Use bracketed language as appropriate to the facts of the case.